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W. M. Greenwald

June 15, 2017

*Via ECF and First Class Mail*

Hon. P. Kevin Castel  
United States District Court Judge  
South District of New York  
500 Water Street  
New York, NY

Re: ***INT Sociedad Anonima, v. New Rise Brands Holdings, LLC, et al.***  
**Case No 17-cv-514 (PKC)**

Dear Judge Castel:

This joint letter provides the information required by paragraph "4" your Order dated February 2, 2017.

The scheduled conference date is June 20, 2017 at 11:00 a.m.

(1) **A brief description of the case, including the factual and legal bases for the claim(s) and defense(s);**

The Amended Complaint (the "Complaint") asserts eight claims for relief. The Plaintiff is discontinuing the sixth, seventh and eighth claims for relief against all of the named defendants.

**The remaining claims are based on the following alleged facts:**

On, about and between, May 1, 2015 and July 15, 2015, INT sold and delivered to the Defendants Apex and New Rise goods (the "Goods") having the agreed price of \$1,227,115.87 (the "Debt").

Except for \$80,000 INT received no payment for the Goods sold and delivered by INT to Apex.

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Therefore, INT suffered damages in a sum to be determined at trial but not less than \$1,155,922.49 with interest thereon from June 16, 2015.

On September 3, 2015, August 27, 2015, INT provided New Rise with statements of account which were accepted by New Rise.

**The alleged legal bases for recovery are:**

Goods sold and delivered (contract) (1<sup>st</sup> and 2<sup>nd</sup> Claims for Relief)

Account stated (3<sup>rd</sup> Claim for Relief against New Rise)

Unjust enrichment (4<sup>th</sup> and 5<sup>th</sup> Claims for Relief)

**Defendants New Rise Brand Holdings, LLC and Apex Brands International LLC (hereinafter collectively “Defendants”) assert the following defenses:**

Failure to state a claim for relief

Claims barred by:      documentary evidence  
                                    Statute of Frauds  
                                    Laches  
                                    Failing to allege more than conclusory allegations

Defendants are not proper party defendants

Failure to mitigate damages

**(2) Any contemplated motions;**

Plaintiff and Defendants anticipate filing motions for summary judgment.

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(3) **The prospect for settlement.**

The remaining defendants are already discussing settlement with the Plaintiff. Both sides believe prospects are reasonable.

Respectfully,

WAYNE GREENWALD, P.C.

/s/ Wayne M. Greenwald Pres.  
By: Wayne M. Greenwald

And

LAZARUS & LAZARUS, P.C.

/s/ Harlan Lazarus  
By: Harlan Lazarus